

REMARKS

Applicant has carefully reviewed the Office Action dated November 24, 2004. Claims 1-11 are pending in this application. Applicant has added new Claims 12-20. Reconsideration and favorable action is respectfully requested.

Claims 1-9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Dimitriu* in view of *Pilette et al.* This rejection is respectfully traversed. Claim 1 was rejected in view of the combination of *Dimitriu* and *Pilette et al.* The official action indicated that the *Dimitriu* reference disclosed maze pieces (14) with gate means or barriers that are used to create a maze configuration. Applicant respectfully submits that this application of *Dimitriu* to Applicant's Claim 1 fails to take into account important limitations in the Applicant's claim. Claim 1 includes the limitation that "the tile pieces capable of being manipulated to create a dynamic non-static playing board in a changeable maze configuration position on a horizontal surface, which maze configuration is changeable during play, the tile pieces being capable of being evenly aligned in rows so that the pieces in each row are capable of sliding relative to an adjacent row." The maze pieces described in the *Dimitriu* reference are placed in fixed locations on the described game board. Each maze piece includes a vertically extending post which enables the piece to be inserted within a hole in the game board (Column 2, Lines 36-39). When the game piece was placed within the board in this fashion, the game board provided by all of the game pieces would no longer be able to provide a dynamic non-static playing board in a changeable maze configuration. Due to the fact that the pieces would be in a fixed configuration once the post was placed within the hole of the game board, whatever maze was defined by these game pieces would become fixed and non-changeable. They would not create a dynamic maze.

Furthermore, due to the fact that the posts are placed within a hole within the game board, adjacent rows of the pieces would not be capable of sliding relative to an adjacent row. Once the pieces are placed they would become fixed. Thus, the Applicant respectfully submits that the maze pieces (14) described in the *Dimitriu* reference do not provide the ability to create a dynamic non-static playing board in a changeable maze

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configuration, nor do the maze pieces align in rows so that the pieces in each row are capable of sliding relative to an adjacent row. For these reasons, each and every element of Applicant's Claim 1 are not disclosed by the combination of references recited in the official action. A Notice of Allowance for Claim 1, and all Claims dependent therefrom, is respectfully requested.

With respect to Claims 8 and 9, the Applicant respectfully submits that a support board wherein the tile pieces being capable of sliding within each of the aligned rows on the support board is not disclosed or discussed by the recited references. A Notice of Allowance for Claims 8 and 9 is respectfully requested.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Dimitriu* in view of *Pilette et al.* and further in view of *Wood*. Applicant respectfully submits that Claim 10, being dependent upon previously discussed Claim 1, is allowable for similar reasons as the *Wood* reference fails to overcome the shortcomings of *Dimitriu* and *Pilette et al.*

Applicant has additionally provided new Claims 12-20. Applicant respectfully submits that these Claims are not disclosed by the art of record. A Notice of Allowance is respectfully requested.

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Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/JLEV-27,153 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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